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OFFICE OF PETITIONS

In re Application of	:	
John I. M. Choate	:	
Application No. 10/780,476	:	DECISION ON RENEWED PETITION
Filing Date: February 16, 2004	:	PURSUANT TO
Title: APPARATUS THAT IMPROVES	:	37 C.F.R. § 1.137(B)
DISCOVERY OF CANCER MASS, AND	:	
REDUCES INFLAMMATION - ONSET OF	:	
SYMPTOMS OF CARPAL TUNNEL	:	
SYNDROME OR ARTHRITIS - TACTILE	:	
DEFICIT OF FINGERS, AND	:	
INCREASES DISCOVERY OF FOREIGN	:	
MASS IN BREAST AND OTHER SELF	:	
EXAMINATIONS	:	

This is a decision on the renewed petition filed May 20, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This renewed petition is **GRANTED**.

It is noted that this renewed petition pursuant to 37 C.F.R. § 1.137(b) has been properly executed.

Background

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 13, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application

became abandoned on January 14, 2007. A notice of abandonment was mailed on September 12, 2007.

Procedural History

A petition pursuant to 37 C.F.R. § 1.183 was filed on April 16, 2007, which was dismissed via the mailing of a decision on August 6, 2007 for failure to include the required petition fee.

An original petition pursuant to 37 C.F.R. § 1.181 was filed on October 1, 2007, and was dismissed via the mailing of a decision on October 26, 2007. A renewed petition pursuant to 37 C.F.R. § 1.181 was filed on December 14, 2007, and was dismissed via the mailing of a decision on February 19, 2008.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on March 3, 2008, and was dismissed via the mailing of a decision on March 28, 2008.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on April 7, 2008, and was dismissed via the mailing of a decision on May 12, 2008.

ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The required reply was received on April 16, 2007. The petition fee was included with the original petition pursuant to 37 C.F.R. § 1.137(b). With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has included the required statement of unintentional delay.

Petitioner has met requirements (1) - (3) of Rule 1.137(b). The fourth requirement is not applicable, as a terminal disclaimer is not required.

CONCLUSION

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on April 16, 2007 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.